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                       UNITED STATES DISTRICT COURT
                            DISTRICT OF NEVADA
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  MATTHEW SCOTT FISK,
                                            3:11-cv-00782-ECR-VPC
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        Plaintiff,
9
                                            Order
   vs.
10 BANK OF AMERICA and individuals,
   partnerships, or anyone claiming
  any interest to the property
   described in the action,
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        Defendants.
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        On September 22, 2011, Plaintiff filed this action to quiet title
|16| in the Second Judicial District Court of the State of Nevada in and
|17| for the County of Washoe. On October 26, 2011, Defendant Bank of
18 America, N.A. ("Defendant" or "BofA") filed a Petition for Removal
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   (#1) pursuant to 28 U.S.C. § 1441(a). Plaintiff's complaint (#1-3)
20 requests that we postpone the foreclosure that was scheduled in 2011,
21 issue a declaratory judgment holding that Plaintiff was the victim of
22 a predatory lending scheme, and quiet title on the property located at
23 2589 Springflower Drive, Reno, Nevada, 89521 ("Property"). Plaintiff
  alleges that he has been through an "extremely disjointed loan
25 modification process" but admits to having defaulted on his mortgage.
   (Compl. (#1-3).)
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        On November 2, 2011, BofA filed a Motion to Dismiss and Motion to
28 Expunde Lis Pendens (#8) for failure to state a claim upon which
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1 relief can be granted, and requesting that we expunge the lis pendens 2 Plaintiff recorded on the subject property. As BofA argues in the 3 Motion to Dismiss (#8), Plaintiff's complaint (#1-3) does not state a 4 claim upon which relief may be granted. Plaintiff submitted a (#1-3)with a list of allegations concerning his 5 complaint 6 dissatisfaction with the loan modification process, but does not 7 allege specifically what misrepresentations were made or what actions 8 of BofA constitute predatory lending. Plaintiff did not submit an 9 opposition to the Motion to Dismiss (#8) and has not requested leave  $10 \parallel$ to amend his complaint. On April 16, 2012, BofA filed a Notice of  $11 \parallel \text{Non-opposition}$  (#14) stating that Plaintiff has not filed an 12 opposition to the Motion to Dismiss and Motion to Expunge Lis Pendens 13 (#8).

IT IS, THEREFORE, HEREBY ORDERED that the Motion to Dismiss (#8) 15 is **GRANTED**. Plaintiff's claims are **DISMISSED**. Defendant's Motion to 16 Expunge Lis Pendens (#8) is also **GRANTED**.

The Clerk shall enter judgment accordingly.

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20 DATED: May 30, 2012.

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